

RCE UNDER 37 CFR § 1.114 AND AMENDMENT AND RESPONSE

Serial Number: 09/815,884

Filing Date: March 23, 2001

Title: BATTERY-OPERATED WIRELESS-COMMUNICATION APPARATUS AND METHOD

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Attorney Docket: 1327.011US1

REMARKS

Applicants have carefully reviewed and considered the Advisory Action mailed on August 10, 2005. Applicants are submitting herewith a Supplemental IDS, an SB/08 form, and a Request for Continued Examination.

Claim 3 is amended to be in independent form including all of the limitations of the base claim after the September 27, 2004, amendment and before the July 5, 2005, amendment, and any intervening claims. No new matter is added. Claims 1-41 are pending, and consideration of these claims is requested. Please charge any required fees to deposit account 502931.

Advisory Action mailed on August 10, 2005

On July 5, 2005, Applicants submitted an Amendment and Response Under 37 CFR § 1.116 to the Final Office Action mailed on May 4, 2005. The Examiner did not enter the amendment. Applicants are now filing an RCE, respectfully requesting that the July 5, 2005, Amendment and Response be entered, followed by entering the amendment included herewith.

The Final Office Action rejections in view of KWAK et al. (U.S. Patent 6,280,875) were withdrawn by the Examiner since KWAK is antedated by the Applicant's claim to priority of a provisional application. The remaining Final Office Action rejections by the Examiner are once again addressed below.

§ 103 Rejections of Claims

Claims 1, 2, 5-12, 16-22, 25, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over TUTTLE et al. (U.S. Patent 6,078,791) with a view to LITTLE (U.S. Patent 4,740,431). Applicants respectfully traverse.

Applicants' arguments were presented in the Amendment and Response filed July 5, 2005. Additionally, TUTTLE describes a flexible laminate assembled with adhesive (column 4, line 65), not depositing thin-film layers. LITTLE describes thin-film layers on glass. As Applicants noted before, a combination of TUTTLE and LITTLE would have the preassembled thin-film battery of LITTLE connected to the substrate of TUTTLE with conductive adhesive. It is impermissible to use the present application as a template to pick and choose selected features

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of LITTLE (i.e., successive deposition of thin-film battery layers on a substrate) into TUTTLE in place of what TUTTLE already does (i.e., to glue a thin-film battery in place on the substrate with antenna). There is nothing in TUTTLE that suggests depositing the battery as thin-film layers on to the substrate. There is nothing in LITTLE that suggests mounting an antenna on to the substrate that has the battery deposited as successive thin film layers. In contrast, for example, the present invention claim 1 recites a combined battery and wireless-communications apparatus comprising: a flexible support structure; a first conductive layer deposited on a first surface area of the support structure; a thin-film battery deposited as successive thin-film depositions over at least a portion of the first conductive layer, the battery comprising a cathode layer; a solid-state electrolyte layer, and an anode layer deposited such that either the anode layer or the cathode layer is in electrical contact with the first conductive layer, and the electrolyte layer in contact with and completely separating the anode layer and the cathode layer; an antenna mounted to the support structure; and an electronic communications circuit mounted to the support structure and electrically coupled to the battery and the antenna to transceive radio communications.

Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Claims 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over TUTTLE et al. (U.S. Patent 6,078,791) and LITTLE (U.S. Patent 4,740,431) and further in view to LEW et al. (U.S. Patent 6,608,464). Applicants respectfully traverse. Applicants' arguments were presented in the Amendment and Response filed July 5, 2005. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

§ 102 Rejection of Claims

Claims 33 and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by LITTLE (U.S. Patent 4,740,431). Applicants respectfully traverse. Applicants' arguments were presented in the Amendment and Response filed July 5, 2005. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

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More § 103 Rejections of Claims

Claims 31, 32, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LITTLE (U.S. Patent 4,740,431). Applicants respectfully traverse. Applicants' arguments were presented in the Amendment and Response filed July 5, 2005. Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.

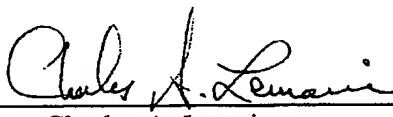
Respectfully submitted,

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By their Representatives,

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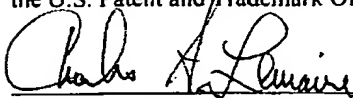
Date

9 September 2005 By 

Charles A. Lemaire

Reg. No. 36,198

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 1-571-273-8300 on this 9th day of September, 2005.



Charles A. Lemaire